

SENATE BILL 2362

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to unlawful photography.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subsection (a) and substituting the following:

(a) It is an offense for a person to knowingly photograph, or cause to be photographed, an individual without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or legal guardian, if the photograph:

(1)

(A)

(i) Would offend or embarrass an ordinary person if the person appeared in the photograph; or

(ii) Is focused on the intimate area of the individual and would be considered offensive or embarrassing by the individual;
and

(B) Was taken for the purpose of sexual arousal or gratification of the defendant; or

(2)

(A) Includes the unclothed intimate area of the individual and would be considered offensive or embarrassing by the individual;

(B) Was taken for the purpose of offending, intimidating, embarrassing, ridiculing, or harassing the victim; and

(C) Was disseminated by the defendant, the defendant threatened to disseminate the photograph, or the defendant permitted the dissemination of the photograph, to another person.

SECTION 2. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subdivision (d)(1) and substituting:

(1)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A first violation of subdivision (a)(2) is a Class B misdemeanor. A second or subsequent violation of subdivision (a)(2) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-13-605(d)(2), is amended by deleting the language "A violation of this section" and substituting the language "A violation of subdivision (a)(1)".

SECTION 4. Tennessee Code Annotated, Section 39-13-605(d)(3), is amended by deleting the language "A violation of this section" and substituting the language "A violation of subdivision (a)(1)".

SECTION 5. Tennessee Code Annotated, Section 39-13-605(f), is amended by deleting the language "misdemeanor unlawful photographing in violation of privacy" and substituting the language "misdemeanor unlawful photographing pursuant to subdivision (a)(1)".

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it, and applies to offenses committed on or after that date.